

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 20-mj- 1112

Marcus Oliver Caschetto,
a/k/a Marc Oliver Caschetto

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

COUNT 1

On or about July 31, 2020, in the County of Niagara, in the Western District of New York, the defendant, MARCUS OLIVER CASCHETTO, an alien, attempted to enter the United States of America after having been removed and deported from the United States at or near Miami, Florida on or about August 29, 2019, and without having obtained the express consent of the Attorney General of the United States or the Secretary for Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

COUNT 2

On or about July 31, 2020, in the County of Niagara, in the Western District of New York, the defendant, MARCUS OLIVER CASCHETTO, did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of Government of the United States, by stating in substance he was currently a lawful permanent resident in the United States to Customs and Border Protection Officer Joseph Kelsey at the Lewiston Bridge Port of Entry; and such statement was false because, as MARCUS OLIVER CASCHETTO then and there knew, his lawful permanent resident status in the United States was revoked on July 1, 2019, in violation of Title 18, United States Code, Section 1001(a)(2).

This Criminal Complaint is based on these facts:

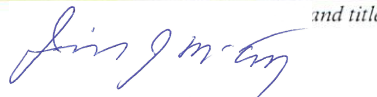
☒ Continued on the attached sheet.


Complainant's signature

WILLIAM J. SCHOENROCK
Enforcement Officer
United States Customs and Border Protection
and title

Sworn to me and signed telephonically.

Date: August 10, 2020


Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

WILLIAM J. SCHOENROCK, being duly sworn, deposes and states:

1. I am an Enforcement Officer with United States Customs and Border Protection (CBP) within the Department of Homeland Security (DHS), formerly a Senior Inspector with the United States Immigration and Naturalization Service, and have been so employed in immigration law enforcement for the past twenty-eight years.

2. As part of my current duties, I have become involved in an investigation of suspected violations of Title 8, United States Code, Section 1326 and Title 18 United States Code, Section 1001.

3. I make this affidavit in support of the annexed criminal complaint charging Marcus Oliver CASCHETTO (hereinafter, "Caschetto"), born 1972, in Canada, an alien, a/k/a as Marc Oliver CASCHETTO, with attempting to enter the United States after having been previously deported from the United States, without first applying to Attorney General, or his successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8 United States Code, Section 1326(a), and with making a false representation to officers of the United States Department of Homeland Security, Customs and Border Protection, in a matter within their jurisdiction, in violation of Title 18 United States Code, Section 1001(a)(2).

4. The statements contained in this affidavit are based upon my personal knowledge and upon information provided to me by other U.S. Customs and Border Protection officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Caschetto did knowingly violate title 8, United States Code, Section 1326(a), and Title 18, United States Code, Section 1001(a)(2).

5. On July 31, 2020, at approximately 6:58 p.m., at the Lewiston Bridge port of entry in Lewiston, New York, in the Western District of New York, CBP Officer J. Kelsey was conducting primary inspections when a vehicle bearing Province of Ontario registration entered his lane for inspection. Caschetto was the sole occupant and presented, as proof of identity, a recently issued Canadian passport (number XXXXX895) containing the name Marc Oliver CASCHETTO. Officer Kelsey, as part of normal procedure, entered Caschetto's name into the Vehicle Primary Computer and found him to be the subject of an immigration lookout. Caschetto then stated to Officer Kelsey that he was a lawful permanent resident living in Florida, that he was visiting Niagara Falls, and that he had left his permanent resident card in Canada. Officer Kelsey again asked Caschetto where he resides and he admitted that he currently lives in Toronto, Canada. Officer Kelsey referred Caschetto to secondary for further inspection.

6. CBP Officer E. Trevino commenced the secondary inspection. Officer Trevino conducted electronic immigration record checks, which revealed that Caschetto was previously

deported from the United States in July 2019. Service records indicate he was deported as “Marcus Oliver Caschetto.” Officer Trevino reported that Caschetto stated that he was a U.S. permanent resident and that he had left his permanent resident card in Canada. Caschetto further stated that he had lost his job and returned to Canada in July 2019 to look for work. Officer Trevino asked Caschetto if he had ever been arrested and he replied that he had been arrested for petty theft.

7. Next, Officer M. Ciminelli entered Caschetto’s fingerprints into the Integrated Automated Fingerprint Identification System (IAFIS) to substantiate any immigration history he may have in the United States. This query resulted in a positive response revealing that Caschetto was issued FBI number XXXXXXRB9. The FBI number was linked to numerous criminal charges including a conviction in 2002 in the state of Florida for Contributing to the Delinquency of a Minor in violation of § 827.04.1 of Florida’s Criminal Statutes. The FBI record also revealed an arrest by Immigration and Customs Enforcement agents in Florida on April 1, 2019 and referenced alien file number AXXX XXX 007.

8. Additional electronic database record checks using the alien number revealed that Caschetto was encountered by Immigration and Customs Enforcement agents on April 1, 2019 at the Florida Department of Corrections probation office in Kissimmee. Agents determined that Caschetto was removable from United States due to his criminal history and took him into immigration custody. Immigration records further revealed that Caschetto was ordered removed from the United States, and stripped of his U.S. permanent resident status, by an

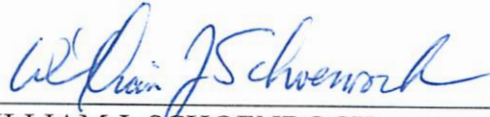
immigration judge on July 1, 2019. Caschetto was physically deported to Canada on August 29, 2019 through Miami.

9. On August 6, 2020, your affiant received Caschetto's Alien file from the National Records Center in Lee's Summit, Missouri where alien files are stored and maintained. Contained in the alien file was form I-205 (Warrant of Removal/Deportation) and immigration form I-294 (Warning to Alien Removed or Deported). Form I-205 contained Caschetto's photograph, right index fingerprint, and signature, and verified his deportation to Canada on August 29, 2019. Form I-294 contained and a warning that Caschetto is prohibited from entering or attempting to enter the United States without permission from the Attorney General or the Secretary of Homeland Security.

10. Record checks failed to find any record that Caschetto had applied for or received the requisite permission to reenter the United States from the Attorney General or the Secretary of the Department of Homeland Security.

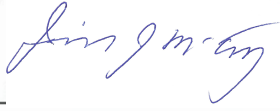
WHEREFORE, I respectfully submit the foregoing facts to establish probable cause to believe that on July 31, 2020 Marcus Oliver CASCHETTO, did attempt to reenter the United States after having been previously deported and removed from the United States, without first applying to Attorney General, or his successor, the Secretary for the United States Department of Homeland Security, for permission to reenter the United States, in violation of Title 8, United States Code, Section 1326(a), and that he made false representations to United States Customs and Border Protection Officers, in a matter under their jurisdiction, in violation of Title 18

United States Code, Section 1001(a)(2). I further request that a Criminal Complaint in the form annexed be issued.



WILLIAM J. SCHOENROCK
Enforcement Officer
U.S. Customs and Border Protection

Sworn to me telephonically
this 10th day of August, 2019



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge

United States District Court
for the
Western District of New York

United States of America

v.

**MARCUS OLIVER CASCHETTO,
a/k/a MARC OLIVER CASCHETTO**

Case No. 20-mj-

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (*name of person to be arrested*) **MARCUS OLIVER CASCHETTO**, who is accused of an offense or violation based on the following document filed with the Court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
- ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 8, United States Code, Section 1326(a)(Re-Entry of a Removed Alien)

Title 18, United States Code, Section 1001(a)(2) (Making a Material False Statement)

Date: _____

Issuing officer's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

Return

This warrant was received on (*date*) _____, and the person was arrested on (*date*) _____,
at (*city and state*) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: **Marcus Oliver Cashetto**
Known aliases: **Marc Oliver Cashetto**
Last known residence: **25 Great Lakes Drive, Brampton, Ontario, Canada**
Prior addresses to which defendant/offender may still have ties:

Last known employment:

Last known telephone numbers:

Place of birth: **Canada**
Date of birth: **5/26/1972**
Social Security number: **326-76-8958**

Height:	5'10"	Weight:	285
Sex:	Male	Race:	White
Hair:	Brown	Eyes:	Brown

Scars, tattoos, other distinguishing marks:

History of violence, weapons, drug use:

Known family, friends, and other associates (*name, relations, address, phone number*):

FBI number: **434616RB9**

Complete description of auto:

Investigative agency and address: **Customs and Border Protection**

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*):

Williams Schoenrock (office 716-843-5732) (cell 716-583-2979)

Date of last contact with pretrial services or probation officer (*if applicable*):